

Jenkins & Gilchrist

A PROFESSIONAL CORPORATION

1445 ROSS AVENUE
SUITE 3200
DALLAS, TEXAS 75202

FROM THE DESK OF:
Michael W. Maddox
(214) 855-4614

(214) 855-4500
FACSIMILE (214) 855-4300

www.jenkins.com

AUSTIN, TEXAS

CHICAGO, ILLINOIS

HOUSTON, TEXAS

LOS ANGELES, CALIFORNIA

NEW YORK, NEW YORK

PASADENA, CALIFORNIA

SAN ANTONIO, TEXAS

WASHINGTON, D.C.

RECIPIENT

Examiner Frederick C.
Nicolas

COMPANY

USPTO - Art Unit 3754

FAX NO.

703-746-4613

PHONE NO.

703-305-6385

• MESSAGE •

Re: U.S. Patent Application No. 10/082,623
Attorney Docket No. 52194-00002USPT

Please review the attached proposed amendments to the claims. I look forward to discussing the amendments with you after you've had the opportunity to review them. The telephone number at which I may be contacted is 214-855-4614. Thank you for your help in this matter.

Sincerely,

Michael W. Maddox
Registration. No. 47,764

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile is

1. SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE;
2. ATTORNEY WORK PRODUCT; OR
3. CONFIDENTIAL.

It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is *unauthorized and strictly prohibited*. If you have received this facsimile in error, please notify Jenkins & Gilchrist, a professional corporation by telephone at (214) 855-4777 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail, or if authorization is granted by the sender, destroyed.

Time: 11:18 AM Date: September 11, 2003 Employee No.: 4189 Billing #: 52194-0002 Total Pages (+ cover): 5

PROPOSED AMENDMENTS TO CLAIMS - FOR DISCUSSION PURPOSES ONLY

1. (currently amended) A refillable container for a selected liquid substance poured therein for select discharge therefrom, said refillable container comprising a vessel of known volume adapted for holding a volume of poured liquid substance therein;

a discharge assembly adapted for select discharge of quantities of the liquid substance contained within poured into said refillable container;

a refill assembly comprising a portion of said refillable container adapted for facilitating the poured filling of said refillable container with said selected liquid substance, said refill assembly being constructed with a diameter larger than that of said discharge assembly and sufficiently large to facilitate the receipt of the selected poured liquid substance therethrough to therein facilitate ease in the poured filling of said refillable container with said selected liquid substance; and

means for identifying the selected poured liquid substance contained within the said refillable container.

2. (canceled)

3. (currently amended) The apparatus refillable container set forth in Claim 2 1 wherein said liquid substance comprises a soap.

4. (currently amended) The apparatus refillable container set forth in Claim 2 1 wherein said liquid substance comprises a conditioner.

5. (currently amended) The apparatus refillable container set forth in Claim 2 1 wherein said liquid substance comprises a consumer product sold in volumes substantially greater than the volume of said refillable container.

6. (currently amended) The apparatus refillable container set forth in Claim 1 wherein said refillable container is generally cylindrical in shape.

7. (currently amended) The apparatus refillable container set forth in Claim 1 wherein said discharge assembly comprises a spray device attached to said refillable container and adapted for the discharge of said the contents of said refillable container in a spray form.

8. (currently amended) The apparatus refillable container set forth in Claim 1 wherein said discharge assembly comprises a cap adapted for selected positioning for selective discharge of quantities of liquid substance from said refillable container.

9. (currently amended) The apparatus refillable container set forth in Claim 1 wherein said refillable container is flexible in construction whereby said liquid substance contained therein may be squeezed to facilitate the discharge thereof.

10. (currently amended) The apparatus refillable container set forth in Claim 9 wherein said refillable container is constructed of plastic.

11. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 1 wherein said identification means comprises at least portions of said refillable container being formed of substantially transparent material for allowing the visual identification of the contents thereof.

12. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 1 wherein said identification means comprising a label disposed upon said refillable container for the placement of indicia for the identification of the contents thereof.

13. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 12 wherein said label comprises a material adapted to receive writing thereon for identifying the contents of said refillable container.

14. (withdrawn) The apparatus set forth in Claim 1 wherein said discharge assembly is disposed on a first end of said refillable container and said refill assembly is disposed at a second, opposite end of said refillable container.

15. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 1 wherein said refill assembly and said discharge assembly are both disposed at the same end of said refillable container.

16. (canceled)

17. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 1 wherein said refillable container is constructed of plastic having both said refill assembly and said discharge ~~assemblies~~ assembly disposed in an upper end thereof, said discharge assembly being threadably connected to a lower body portion of said refillable container.

18. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 17 wherein said upper discharge assembly comprises a pump unit adapted for pumping of ~~said the~~ contents of said refillable container outwardly therefrom by a pumping operation thereof.

19. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 17 wherein said discharge assembly comprises a cap secured to said refill assembly, said cap having a substance discharge mechanism constructed therewith for discharge of selective amounts of said liquid substance therefrom.

20. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 19 wherein said liquid substance comprises a liquid of the type commonly sold to consumers in quantities larger than said volume of said refillable container.

21. (currently amended) The ~~apparatus~~ refillable container set forth in Claim 20 wherein said liquid substance comprises a soap for use by consumers.

22. (currently amended) A refillable container for holding a volume of liquid substance poured therein for select discharge therefrom, said refillable container comprising:

a first bottle body portion adapted for ~~containing-received~~ poured receipt of a liquid substance poured therein and having a refill orifice of a first size sufficiently large to facilitate the poured filling of said refillable container;

an second bottle body portion forming a refill-discharge cap assembly adapted for ~~mating~~ mated engagement with and securement to said first bottle body portion for facilitating ease in the poured filling of said first bottle body portion with said liquid substance and facilitating selective discharge therefrom, said refill-discharge cap assembly including a discharge orifice of a second size, said second size being substantially smaller than the first size of said refill orifice of said first bottle body portion.

23. (canceled)

24. (currently amended) The apparatus refillable container as set forth in claim 22 wherein said refill-discharge cap is threadably connected to said first bottle body portion.

25. (canceled)

26. (currently amended) The refillable container set forth in Claim 25 22 wherein said liquid substance comprises a soap.

27. (currently amended) The refillable container set forth in Claim 25 22 wherein said liquid substance comprises a conditioner.

28. (currently amended) The refillable container set forth in Claim 22 wherein said liquid substance comprises a consumer product sold in volumes substantially greater than the volume of said refillable container.

29. (original) The refillable container set forth in Claim 22 wherein said refillable container is generally cylindrical in shape.

30. (currently amended) The refillable container set forth in Claim 22 wherein said refill-discharge cap assembly includes a spray device adapted for the discharge of said the contents of said refillable container in a spray form.

31. (currently amended) The refillable container set forth in Claim 22 wherein said refillable container is flexible in construction whereby said liquid substance contained therein may be squeezed to facilitate the discharge thereof.

32. (currently amended) The apparatus refillable container set forth in Claim 31 wherein said refillable container is constructed of plastic.

33. (currently amended) The apparatus refillable container set forth in Claim 25 22 wherein at least portions of said refillable container are formed of substantially transparent material for allowing the visual identification of the contents thereof.

34. (currently amended) A refillable container for a liquid substance poured therein for select discharge therefrom, said refillable container comprising:

a vessel of known volume adapted for holding a volume of liquid substance therein;
a discharge assembly having a discharge orifice of a first size adapted for select discharge of quantities of the liquid substance ~~contained within~~ poured into said refillable container;

a refill assembly having a refill orifice of a second size and comprising a portion of said refillable container adapted for facilitating the poured filling of said container with said liquid substance, said refill assembly sufficiently large to facilitate the receipt of the poured liquid substance therethrough to therein facilitate ease in the poured filling of said refillable container with said liquid substance; and

said second orifice being larger than said first orifice of said refillable container.

35. (currently amended) The refillable container set forth in Claim 34 wherein said refillable container is constructed of plastic having both said refill assembly and said discharge assemblies assembly disposed in an first end thereof, said discharge assembly being threadably connected to a second body portion of said refillable container.

36. (currently amended) The refillable container set forth in Claim 34 wherein said discharge assembly comprises a pump unit adapted for pumping of said the contents of said refillable container outwardly therefrom by a pumping operation thereof.

37. (currently amended) The refillable container set forth in Claim 34 wherein said discharge assembly comprises a cap secured to said refill assembly, said cap having a substance discharge mechanism constructed therewith for discharge of selective amounts of said liquid substance therefrom.

38. (currently amended) The refillable container set forth in Claim 34 wherein said liquid substance comprises a liquid of the type commonly sold to consumers in quantities larger than said volume of said refillable container.

39. (withdrawn) The refillable container set forth in Claim 34 wherein said liquid substance comprises a soap for use by consumers.